

Members

Rep. Dan Stevenson, Chair
Rep. Claire Leuck
Rep. Robert Alderman
Rep. John Ulmer
Sen. Robert Meeks
Sen. Becky Skillman
Sen. Rose Ann Antich
Sen. Allie Craycraft



RAIL CORRIDOR SAFETY COMMITTEE

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MEETING MINUTES¹

Meeting Date: October 29, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Dan Stevenson, Chair; Rep. Claire Leuck; Rep. Robert Alderman; Sen. Robert Meeks; Sen. Rose Ann Antich; Sen. Allie Craycraft

Members Absent: Rep. John Ulmer; Sen. Becky Skillman.

1. Preliminary Draft (PD) 3106

The Chair of the Rail Corridor Safety Committee, Rep. Dan Stevenson, called the third meeting of the Committee to order at 10:35 A.M. The first order of business was PD 3106. This Noncode proposal would extend the Rail Corridor Safety Committee to November 1, 2005. The Committee is to expire November 1, 1999. After a brief committee discussion, the Chair called for disposition of PD 3106. A motion was made and seconded. The Chair called for a roll call vote, and PD 3106 was recommended for introduction by a vote of five to zero.

2. Draft of Letter to the Indiana Congressional Delegation

Rep. Stevenson told the Committee that at the last meeting he had asked the staff to draft a letter to be sent to the Indiana Congressional delegation, requesting their assistance in attempting to change the rules for use of federal funds at private railroad crossings. A copy of the draft letter was distributed to Committee members. Testimony of federal officials from the Federal Railroad Administration (FRA) and from the Indiana Department of Transportation (INDOT) revealed that federal funds cannot be used for any work on what is determined to be a private railroad crossing. An accident which occurred in June, 1998, in Portage, at the Midwest Steel Company crossing, which is a private crossing, brought this question to center stage, he said.

¹Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Rep. Stevenson said that Legislative Council Resolution 99-2, Section 10 states:

A study committee may not direct a public policy recommendation (except in its final report) to any public or private entity (except the Indiana House of Representative, the Indiana Senate, or the Legislative Council) unless that committee has first obtained the written approval of the Personnel Subcommittee of the Legislative Council to do so.

Rep. Stevenson stated that since the Committee did not secure the necessary approval from the Legislative Council, the draft letter could not be sent to the Indiana Congressional delegation from the Committee. However, the Chair did say that the Legislative Council could send the letter to Indiana Congressional delegation.

The Committee then discussed the contents of the draft letter and made suggestions on what additional information should be included in the final letter that the Legislative Council would send to the Indiana Congressional delegation. Among other things, Committee members suggested that the letter should include the fact that there were fatalities in the accident and that the fatalities were actually on the train. In addition, Committee members also suggested that excerpts be included in the letter from the Final Report of the National Transportation Safety Board (NTSB) which said that the accident was due, in part, to state and federal inactivity to correct the situation at the railroad crossing. Other Committee members suggested that the letter should mention the possibility of securing demonstration money for a new bridge either at the Port Commission or another location that could help Midwest Steel. Sen. Antich raised the possibility of a problem that, because of possible future litigation, the Committee may not want to enclose the NTSB statements.

The Chair then called for disposition of the recommendation. The recommendation was moved and seconded that the Committee recommend that the Legislative Council send a letter to the Indiana Congressional delegation, with the suggested Committee changes, requesting assistance to allow the use of public funds at the Midwest Steel crossings and other public/private crossings determined to be a safety hazard and the possibility of securing demonstration money for the project be explored. By a roll call vote of 6 to zero, the measure passed.

3. Final Report

Rep. Stevenson asked the Committee for disposition of the draft copy of the final report. He said that the final report will include today's activities and recommendations. After a brief discussion, a motion was made and seconded to adopt the final report. On a roll call vote, the final report was adopted by a vote of five to zero.

4. Other Business

The staff distributed a report from American Consulting Engineers, Inc.- Alternative Alignment Report National Steel Co. The Chair said that this report provided some alternatives and costs associated with correcting the problem at the Midwest Steel crossing.

The Committee discussed the report briefly and decided that Alternate No. 5 costing approximately \$5.2 million, right of way not included, and Alternate No. 6, costing about \$6.1 million, right of way not included, were the best alternates. The Chair then called upon Ms. Kathy Noland, Director of Public and Legislative Affairs of the INDOT, to comment on the alternates and the cost estimates. Ms. Noland told the Committee that the INDOT has estimated the cost for Alternate No. 5 at approximately \$8 million and Alternate No. 6 at about \$12 million. When asked how long it would take to complete either alternate, Ms. Noland said between seven and ten years. Rep. Stevenson asked Ms. Noland about the impact of the

proposed closing of the Midwest Steel crossing in August, 2001, by the Northern Indiana Commuter Transportation District (NICTD). Ms. Noland said that the INDOT had not done a detailed study of the project. She said that she did not know what, if any, environmental issues may be present, although she did comment that the INDOT is doing some preliminary engineering on the project.

The Chair recognized Mr. John Parsons, Marketing Director of NICTD. Mr. Parsons told the Committee that some projects can be accelerated and he would like to see this particular project accelerated.

Sen. Meeks commented that perhaps INDOT, NICTD, or the county commissioners could request \$5 million from the Build Indiana Fund (BIF) and not rely on state and/or federal funds. When asked if Alternate No. 5 is the best way to solve the problem, Ms. Noland said yes. When asked if INDOT has ever received any BIF money, Mr. Parsons commented that INDOT has received BIF money for other projects. When asked in whose legislative district the crossing is located, Rep. Stevenson said that the crossing is located in the district of Rep. Charlie Brown and Sen. Rose Antich.

Rep. Stevenson told the Committee that he would author the bill in the House to continue the Rail Corridor Safety Committee and Sen. Meeks said that he would author the bill in the Senate.

Rep. Stevenson brought an issue to the Committee that was discussed in the Northwest Indiana Transportation Study Commission, of which he is a member, at the Commission's meeting on October 21, in Michigan City. He said that the Chief of Police in Hobart told the Commission that the gates came down for three hours in Hobart. The Chief told the Commission, Rep. Stevenson said, that CSX railroad, whose train precipitated the problem, has only one repair man for northern Indiana. Rep. Stevenson told the Committee that the Chief of Police tried to cite the CSX for multiple violations of obstructing the crossing, but could only cite them for one violation of \$500. Rep. Stevenson said that while this issue was brought before another committee, it is a railroad grade crossing issue and that he plans to introduce legislation that would not allow railroads to block crossings if there are no gates.

With no further business to come before the Committee, the Chair adjourned the meeting at 11:05 A. M.